

CITY OF CLEWISTON
Regular Commission Meeting
April 1, 2013

The City of Clewiston City Commission held its regular Commission meeting in the City Hall Commission Chambers Monday, April 1, 2013. The meeting was called to order at 5:00 p.m. by Mayor Phillip Roland. Commissioner James Pittman led the audience in the the Lord's Prayer and Pledge of Allegiance.

Attendance:

Commissioners Present: Mayor Phillip Roland, Commissioner Mali Gardner, Commissioner Richard Miller, Commissioner James Pittman, and Commissioner Julio Rodriguez.

Personnel Present: Finance Director Ted Byrd, Interim City Manager Don Gutshall, City Clerk Marilyn McCorvey, Golf Course Director Adolfo Pena, Recreation Director Lance Ramer, Community Development Director Travis Reese, Public Works Director Sean Scheffler, City Attorney Charles Schoech, Rhonda Davis and Karen Moore.

Visitors Present: Jerry Cochran, Brenda Gann, Terry Gardner, Asa & Betty Godsey, Christine Howell, Donald Hughes, Betty Murphy, Paula Pittman, Curtiss Pullen, Gloria Rosen, and Bill Sikes.

ADDITIONS/DELETIONS/CHANGES TO THE AGENDA – None

1. Consent Agenda

- A. *City Commission Minutes – March 18, 2013*
- B. *Proclamation – Fair Housing Proclamation – Month of April*
- C. *Proclamation – Paralyzed Veterans of America Awareness Month*
- D. *Proclamation – Donate Life Month – April 2013*

Commissioner Gardner made a motion, seconded by Commissioner Pittman, to approve the Consent Agenda. Vote 5 yeas, 0 nays.

MISCELLANEOUS ACTION AND DISCUSSION ITEMS

- 2. Pension Plan Provider Presentations by Florida League of cities, Principal Financial, and Securian.** Representatives from each of these companies will attend the meeting to make a presentation on their company. Pension Attorney Bonni Jensen is also present to answer questions. Paul Shamoun came forward and made his presentation on the services Florida League of Cities can provide the City regarding the defined benefit and defined contribution plans. Kara Koch and Steve Geadelmann came forward to make the Principal Financial presentation on the defined benefit and defined contribution plans. The Commission questioned Principal on the fiduciary responsibility and their lack of communication over the last few years. Gloria Rosen, John McGuire, Jeffrey Rueber, and Paula Hart came forward to speak about the pension plan options that Securian has to offer. Ms. Jensen stated that the fees the companies charge is hard to quantify, but the impact to participants can be great. Ms. Jensen stated they all offer similar services regarding call centers, web type systems, etc. and have an infrastructure to support participants. Ms. Jensen stated the Florida League of cities has smaller investment choices, and Principal and Securian have a greater list of choices. Ms. Jensen will confer with the three companies and bring back to the Commission a true picture of fees.
- 3. Approval of Contract with Angie Brewer & Associates to work with Nancy Phillips on Airglades Industrial Park Funding Analysis and Strategy.** This item was tabled at the March 18, 2013 meeting. Mayor Roland was to appear before the County Commission to ask for a partnership for funding this contract.

Commissioner Gardner made a motion, seconded by Commissioner Pittman, to take the item off the table. Vote 5 yeas, 0 nays.

Mayor Roland stated he did go before the County Commission and they agreed to participate, but he told them he wanted the funds taken out of the Airglades fund totally, and we need to wait for their answer.

Commissioner Gardner made a motion, seconded by Commissioner Pittman, to table the item to the April 15 meeting. Vote 5 yeas, 0 nays.

4. **Consideration to Changes to the All Juice Draw Schedule** – All Juice’s attorney, Antonio Perez, has asked that the Commission consider a new draw schedule for the building construction. According to Mr. Perez, Gustavo Perez feels the existing draw schedule requires too much front end investment on his part. Commissioner Pittman stated he has spoken to Antonio Perez and suggests a meeting with Mr. Gustavo Perez be set up to come up with a new draw schedule and he will suggest a 702-703 draw schedule. Commissioner Pittman stated he will also suggest a 10% retainage.

Commissioner Gardner made a motion, seconded by Commissioner Miller, to table the All Juice Draw Schedule consideration to the April 15 meeting. Vote 5 yeas, 0 nays.

5. **Award of the 2013 Paving Project** – The 2013 paving project bids were opened on March 27. City Engineer Tommy Perry and Public Works Director recommended that the project be awarded to the low bidder, Weekley Asphalt.

Commissioner Pittman made a motion, seconded by Commissioner Miller, to award the 2013 paving project bid to the low bidder, Weekley Asphalt, in the amount of \$152,625.11. Vote 5 yeas, 0 nays.

6. **Award of the 2013 Driveway Apron Construction and Rehabilitation Project** – Drive apron and rehabilitation project bids were opened on March 27. City Engineer Tommy Perry and Public Works Director recommend that the project be awarded to the low bidder, Diaz Asphalt.

Commissioner Pittman made a motion, seconded by Commissioner Miller, to award the 2013 Driveway Apron Construction and Rehabilitation Project to the low bidder, Diaz Asphalt, in the amount of \$58,426.40. Vote 5 yeas, 0 nays.

7. **City Manager Discussion.** This item was tabled from the March 18, 2013 meeting.

Commissioner Gardner made a motion, seconded by Commissioner Pittman, to take the item off the table. Vote 5 yeas, 0 nays.

Commissioner Gardner stated at the last meeting she stated she was not ready to move forward without hearing from the City attorney regarding the remarks that the former city manager had made to the newspapers. City Attorney Schoech stated that if the articles are correct, there have been some comments that are inappropriate. Mr. Schoech stated with the Commission’s approval, he would write the former manager a letter informing him to cease and desist making derogatory comments about the City. Mr. Schoech does not believe the comments in the articles would allow the City to win a suit against the former manager.

Commissioner Gardner made a motion, seconded by Commissioner Rodriguez, for City Attorney Schoech to send a letter to the former city manager informing him to cease and desist making derogatory comments about the City. Vote 4 yeas, 1 nay. (Commissioner Miller voted nay.)

Commissioner Gardner stated with that matter done, she is willing to move forward discussing the two local city manager candidates. Commissioner Gardner stated that she looked at the number of people who voted for Al Perry for public office, and believes with the approval and vote of so many, the people think he can serve them. She further stated she believes either of the two local candidates can do the job. Mayor Roland stated that he asked Al to apply for the position and he is ready to move forward. Commissioner Pittman stated he personally does not believe the number of votes you get qualifies you for a job. Commissioner Pittman stated this is a specific job and requires specific talents and skills. It is Commissioner Pittman’s belief that the City needs someone that has been a city manager or assistant city manager and needs the education skills to do the job. Commissioner Pittman stated that of the two local candidates, he would support Mark Chamberlain because he does have the education and has supervised over 400 employees. Commissioner Pittman stated he would still like to interview more candidates. Commissioner Miller stated Al is a friend of his and he is a likeable person, but he has had numerous people tell him that he is just not qualified. Commissioner Miller stated our Charter

states the city manager will be hired based on qualifications and education and Al has neither. Commissioner Miller stated he too would like to have a local city manager, but he would like for that person to be qualified to represent the City. He stated of the two local candidates, Mr. Chamberlain meets more of the requirements of the Charter and job description. Commissioner Rodriguez stated he thought it was time to move on and that education is important but the city manager needs a good work ethic, someone that can work with the Commission, and be able to work and communicate with the public and City personnel.

Commissioner Rodriguez made a motion, seconded by Commissioner Gardner, to employ Al Perry as the city manager and have a negotiation team come up with a contract for Commission approval. Vote 3 yeas, 2 nays. (Commissioner Miller and Commissioner Pittman voted nay.)

Commissioner Gardner stated she felt that the assistant city manager position should be reinstated. She further stated that the Police Chief and City Clerk are currently running the City and on paper, they are probably not qualified to do so, but she sleeps better at night knowing they are making the decisions as she trust them both. Commissioner Gardner feels the assistant city manager position is critical.

Commissioner Pittman and Commissioner Miller pledged their support to Mr. Perry.

Brenda Gann stated that someone local should have a chance to be the city manager and she believes that Al will rule honestly and from the heart as she believes he cares for the City.

Consensus of the Commission is that Mayor Roland, City Attorney Schoech and ICM Gutshall will negotiate a contract with Mr. Perry.

Mr. Perry stated that he would work for one year to prove himself without a contract.

PUBLIC COMMENTS – Pastor John Hicks came forward to remind the Commission that the Relay for Life starts Friday, April 4 at Clewiston High School. The Rotarians will be in charge of the survivor's dinner. He also stated that May 2 is the National Day of Prayer and the ministerial association will put together a prayer ceremony in the Civic Park.

Jerry Cochrane stated he thought it is inappropriate for the Police Chief to serve on the contract negotiation committee, the Mayor and the City Attorney should be enough. He stated the city manager will be functioning without an assistant city manager and should be compensated as such.

REPORT FROM INTERIM CITY MANAGER – ICM Gutshall stated the internet gambling bill passed in the house and is now in the senate.

REPORTS FROM THE CITY ATTORNEY - None

REPORTS FROM THE CITY COMMISSION – Commissioner Rodriguez asked about the black olive trees on Bond Street that are damaging the concrete. Public Works Director Scheffler stated that the owner of Common Grounds had pointed out the problem and he suggested to her that she communicate with other Bond Street merchants and come to the Commission and ask for something else to be put in the place of the olive trees. Commissioner Gardner stated we have heard discussions tonight and people mentioned rumors and innuendos about her, the Mayor and Commissioner Rodriguez. Commissioner Gardner asked each Commissioner if they would be willing to take a polygraph test regarding whether they had talked about City business to other commissioners outside of a public meeting. She believes the allegations are a direct attack on her and how she serves the community. The Commissioners all answered in the affirmative that they would consent to a polygraph test. Commissioner Gardner stated that she avoids the other commissioners as she not does feel comfortable when questions concerning the City might be asked. Mayor Roland stated that he never did anything to hurt the county and he will not do anything to hurt the City.

ADJOURNMENT

The meeting was adjourned at 7:50 p.m.

Phillip Roland, Mayor

Marilyn McCorvey, City Clerk